

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

Case No. 1:17-MD-2804

THIS DOCUMENT RELATES TO:
Track One-B Trial

**PHARMACY DEFENDANTS' MOTION *IN LIMINE* NO. 2 TO PRECLUDE
EVIDENCE, ARGUMENT OR COMMENTS REGARDING THE ABSENCE,
PRESENCE OR IDENTITY OF DEFENDANT'S CORPORATE
REPRESENTATIVES AT TRIAL**

Plaintiffs may seek to introduce evidence, testimony or argument, or comment upon, the absence, presence and/or identity of the Pharmacy Defendants' corporate representatives at trial. The Court should bar such evidence, testimony, argument or commentary as irrelevant. The Court previously granted the Track 1-A Defendants' MIL No. 14 precluding Plaintiffs from commenting about the absence of a corporate representative at trial. *See* Dkt. 3058 at 67-68. In granting that prior MIL, the Court cited caselaw that holds that "the presence, absence or identity of defendant's corporate representative is wholly irrelevant to plaintiffs' claims." *Id.* On the basis of the Court's prior order and cited authority, Pharmacy Defendants request that the Court preclude Plaintiffs from introducing any evidence, argument or comments on the presence or identity—in addition to absence—of any Pharmacy Defendant's corporate representative at trial.¹

¹ Defendants approached Plaintiffs about an evidentiary stipulation on this issue. Despite the Court's prior order, Plaintiffs declined to so stipulate, stating that they object to the Court's prior order.

Dated: August 14, 2020

Respectfully submitted,

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